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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,468	06/25/2003	Manuel Munoz Saiz	43068-0027	3257
20822	7590	08/13/2004	EXAMINER	
RUDEN, MCCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A. P.O. BOX 1900 FORT LAUDERDALE, FL 33301			SUHOL, DMITRY	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,468

Applicant(s)

SAIZ, MANUEL MUNOZ

Examiner

Dmitry Suhol

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the structural features encompassed by the phrase “through orifices parallel to a spherical center zone” can’t be determined. The locational relationship of the “through orifices” as related to the golf ball is not understood. Since a sphere is a curved body it is not clear what a parallel relationship to such a body would be. Is the applicant claiming that the through orifices do pass through a center zone of a golf ball or that they are off center or some other relationship?

Regarding claim 10, the structural features encompassed by the phrase “channels and through orifices cross over intercommunicating and forming ducts...” can’t be determined (i.e. do the channels and orifices cross or do just the channels cross or just the orifices cross?) It is not clear what is being “crossed over”, for purposes of examination it is assumed that the channels cross one another.

Claims 2, 10 and 11 are considered as best understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Morgan '002. Morgan discloses a golf ball containing all of the elements of the claims including, peripheral channels (46) spaced at predetermined distances and crossed over each other (figures 18 and 19A and page 4, paragraphs 0050-0051) for providing improved aerodynamics (page 1, paragraph 0011) as required by claim 1. A surface including dimples, as required by claim 6, is described at page 4, paragraph 0051.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan '002 in view of Peabody '219. Morgan fails to teach through orifices parallel to a spherical center zone. Peabody clearly teaches that it is known to

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provide golf balls with through orifices (circular as required by claim 11) for the purpose of increased aerodynamics (col. 2, lines 29-31) and a series of diametric holes (figure 2). Therefore it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention, to provide the golf ball of Morgan with circular through orifices, including a series of diametric holes, for the purpose of improved aerodynamics.

Claims 2 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan '002 in view of Astron '994. Morgan fails to teach through orifices parallel to a spherical center zone. Astron clearly teaches that it is known to provide balls utilized in impact games with through orifices (circular as required by claim 11) for the purpose of reduction of wind disturbance (col. 1, lines 60-61) and a series of diametric holes (figure 2). Therefore it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention, to provide the golf ball of Morgan with circular through orifices for the purpose of reduction of wind disturbance.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan '002 in view of Hwang '245. Morgan fails to teach that his channels have any particular cross section as required by claims 5 and 7. However, Hwang discloses a gold ball which utilizes channels for improved aerodynamics and drag reduction (col. 4, lines 26-28), which teaches that it is known to provide such channels in a variety of cross sectional shapes including rectangular and circular (figure 15) depending on the

size of the dimples used and various other golf ball characteristics. Therefore it would have been obvious to form the channels of Morgan with specific cross sectional shapes for the purpose of drag reduction and improved aerodynamics. It is further considered that the specific cross sectional shape of channels is an obvious design choice in that the applicants do not disclose any particular advantage of any particular shape and it would appear that the invention would work equally well with any shaped channel (see applicants specification page 2, lines 12-14).

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan '002 in view of Antonious '265. Morgan fails to teach that his channels have any particular cross section as required by claims 8 and 9. However, Antonious discloses a golf device, which teaches that it is known to provide channels of a trapezoidal cross-section (fig. 4-5). Therefore it would have been obvious to manufacture the golf ball of Hwang with channels having a trapezoidal cross-section with a larger opening facing outward or with a smaller opening facing outward for the purpose of reducing aerodynamic drag. It is further considered that the specific cross sectional shape of channels is an obvious design choice in that the applicants do not disclose any particular advantage of any particular shape and it would appear that the invention would work equally well with any shaped channel (see applicants specification page 2, lines 12-14).

Response to Arguments

Applicant's arguments with respect to claims 1-3 and 5-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

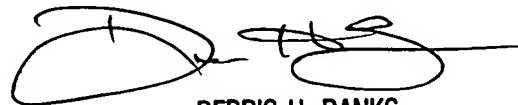
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 703-305-0085. The examiner can normally be reached on Mon - Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ds

A handwritten signature in black ink, appearing to read 'D. H. Banks', with a long horizontal line extending to the right.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700